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267.186

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Salvatore Peragine, et al.  
Serial No.: 10/519,691  
Filed: 12/27/2004  
For: STRUCTURE .... CELLS

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: Group: 1795  
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: Examiner: Phasge, Arun S.  
:  
: 1185 Avenue of the Americas  
: New York, N.Y. 10036  
: December 21, 2009

**RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notification of non-compliant Appeal brief of November 25, 2009  
issued in the above application, Applicants request reconsideration of the brief.

The Patent Office in paragraph 2 indicated that the brief did not contain a statement of the status of all the claims but this is incorrect. Only 21 claims were presented and in line 6 of page 2 of the brief, it is clearly stated that claims 1 to 16 are rejected and claim 21 has been cancelled. Therefore, the brief does state the status of all the claims.

In paragraph 4, it is states that the brief fails to contain a precise statement of the subject matter of each independent claim. In the last paragraph of page 2, it is stated that the invention is

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directed to a finger structure (claims 1 to 16) and on page 3, first paragraph, reference is made to the electrolysis diaphragm cell (claim 17) and to a process of chlor-alkali electrolysis (claims 18 to 20).

Paragraph 7 states that the brief did not contain a correct copy of the appealed claims and Applicants are submitting a corrected copy of the claims wherein claim 20 has been amended to "currently amended" and "(characterized in that)" have been deleted and the underlying of "wherein" has been deleted.

A substitute brief is submitted with the heading "grounds of rejection to be reviewed on appeal" and the summary of the claimed subject matter has been amended to refer to claims 1, 17 and 18. The status of the claims has been amended to indicate what claims are on appeal and separate headings have been supplied for each ground of rejection. Therefore, acceptance of the substitute brief is requested.

Respectfully submitted,

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CAM:mlp  
Enclosures